

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

THE STATE OF TEXAS, et al.,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Civil Action No. 4:20-cv-00957-SDJ

**PLAINTIFF STATES' AMENDED ADVISORY REGARDING RELIEF SOUGHT**

Plaintiff States submit this amended Advisory to clarify that the remedies sought by certain Plaintiff States in this Action. Specifically, this amendment clarifies three items: that Plaintiff State Louisiana is seeking civil penalties for its antitrust claims; that Plaintiff State Indiana is seeking attorneys' fees for its antitrust claims; and that Plaintiff State Missouri is not seeking attorneys' fees for its antitrust claims.

These changes are in response to an April 15, 2024 email from Defendant Google identifying certain inconsistencies in the Advisory and between the Advisory and Exhibit B. This Amended Advisory corrects those inconsistencies.

Now, again pursuant to the Court's directive at the March 21, 2024 hearing and subsequent Order (ECF No. 314) ("Order"), the Plaintiff States ("States")<sup>1</sup> have prepared the below and attached information to clarify the capacities in which the respective Plaintiff States bring the underlying action against Google and the remedies sought by each Plaintiff State. Below we have listed out (1) the remedies sought by each Plaintiff State for antitrust claims; and (2) the remedies sought by each Plaintiff State for DTPA claims.

Additionally, more information is attached that details sets forth the information called for in the Order by listing out in a table (i) the Plaintiff State; (ii) the relief sought by each Plaintiff State and related authority; (iii) the respective claims in the Fourth Amended Complaint as they relate to antitrust or DTPA claims; and (iv) the specific statutory language and relief available under the corresponding statutory provisions. This information is also provided in Response Nos. 2, 4, 6, and 26 and Exhibit B to

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<sup>1</sup> The Plaintiff States include: Alaska, Arkansas, Florida, Idaho, Indiana, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nevada, North Dakota, Puerto Rico, South Carolina, South Dakota, Utah, and Texas.

Plaintiff States' Sixth Amended Interrogatory Responses.<sup>2</sup> As explained in their Interrogatory responses, Exhibit B provides the statutory language and relief available under the state laws of each Plaintiff State. Exhibit B does not purport to provide the relief available under both federal and state law.

## 1. The Remedies Sought by Each Plaintiff State for Their Antitrust Claims

- A. *Injunctive Relief*: All Plaintiff States seek injunctive relief for Google's antitrust violations pursuant to federal and their respective state's antitrust laws. All Plaintiff States seek injunctive relief in their *parens patriae* capacity for harm to their general welfare and economies.
- B. *Civil Penalties*: Plaintiff States Alaska, Arkansas, Florida, Idaho, Kentucky, Louisiana, Mississippi, Montana, Nevada, North Dakota, Puerto Rico, South Carolina, South Dakota, Utah, and Texas seek civil penalties for Google's antitrust violations pursuant to their respective state's antitrust laws. These Plaintiff States seek civil penalties in their sovereign and *parens patriae* capacity for harm to their general welfare and economies.
- C. *Attorneys' Fees and Costs*: Plaintiff States Alaska, Arkansas, Florida, Idaho, Indiana, Kentucky, Louisiana, Mississippi, Montana, Nevada, North Dakota, Puerto Rico, South Carolina, South Dakota, Utah, and Texas seek to recover attorneys' fees and costs as provided for under federal and/or state law.

## 2. The Remedies Sought by Each Plaintiff State for Their DTPA Claims

- A. *Injunctive Relief*: All Plaintiff States seek injunctive relief for Google's unfair and deceptive practices pursuant to their respective state's deceptive trade practices laws. All Plaintiff States seek injunctive relief in their *parens patriae* capacity for harm to their general welfare and economies.
- B. *Civil Penalties*: All Plaintiff States seek civil penalties for Google's deceptive practices pursuant to their respective state's deceptive trade practices laws. All Plaintiff States seek civil penalties in their sovereign and *parens patriae* capacity for harm to their general welfare and economies.
- C. *Attorneys' Fees and Costs*: All Plaintiff States seek to recover attorneys' fees and/or costs as provided for under state law.

### Quick Reference Chart

State	Relief Sought & Authority
Alaska	Antitrust:

<sup>2</sup> A true and correct copy of Plaintiffs' Sixth Amended Interrogatory Responses is attached hereto as Exhibit "A".

	<ul style="list-style-type: none"> <li>-Civil penalties (Sovereign only insofar at the AAGO is exercising its law enforcement powers, Parens Patriae);</li> <li>-Injunctive relief (Sovereign only insofar at the AAGO is exercising its law enforcement powers, Parens Patriae);</li> <li>-Attorney's fees and costs.</li> </ul> <p>DTPA:</p> <ul style="list-style-type: none"> <li>-Civil penalties (Sovereign only insofar at the AAGO is exercising its law enforcement powers, Parens Patriae);</li> <li>-Injunctive relief (Sovereign only insofar at the AAGO is exercising its law enforcement powers, Parens Patriae)</li> <li>-Attorney's fees and costs.</li> </ul>
Arkansas	<p>Antitrust:</p> <ul style="list-style-type: none"> <li>- Injunctive relief (Parens Patriae),</li> <li>- Civil penalties (Statutory, Parens Patriae),</li> <li>- Costs and attorney's fees.</li> </ul> <p>DTPA:</p> <ul style="list-style-type: none"> <li>- Civil penalties (Sovereign, Parens Patriae);</li> <li>- Attorney's fees, Investigative expenses, and other equitable relief.</li> </ul>
Florida	<p>Antitrust:</p> <ul style="list-style-type: none"> <li>- Injunctive relief (Parens Patriae);</li> <li>- Civil penalties (Sovereign, Parens Patriae);</li> <li>- Costs, attorney's fees, and other equitable remedies.</li> </ul> <p>DTPA:</p> <ul style="list-style-type: none"> <li>- Injunctive relief (Parens Patriae);</li> <li>- Civil penalties (Sovereign, Parens Patriae);</li> <li>- Costs, attorneys' fees, and other equitable remedies.</li> </ul>
Idaho	<p>Idaho Competition Act:</p> <ul style="list-style-type: none"> <li>- Injunctive relief (Parens Patriae);</li> <li>- Civil penalties (Sovereign, Parens Patriae);</li> <li>- Expenses, costs, and attorneys' fees.</li> </ul> <p>Idaho Consumer Protection Act:</p> <ul style="list-style-type: none"> <li>- Injunctive relief (Parens Patriae);</li> <li>- Civil penalties (Sovereign, Parens Patriae).</li> <li>- Expenses, costs, and attorneys' fees.</li> </ul>
Indiana	<p>Antitrust:</p> <ul style="list-style-type: none"> <li>- Injunctive relief (Parens Patriae).</li> <li>- Costs and attorneys' fees<sup>3</sup></li> </ul> <p>DTPA:</p> <ul style="list-style-type: none"> <li>- Injunctive relief (Parens Patriae);</li> <li>- Civil penalties (Sovereign, Parens Patriae);</li> <li>- Costs</li> </ul>
Kentucky	Antitrust:

<sup>3</sup> Plaintiff State Indiana is seeking attorneys' fees and costs pursuant to 15. U.S.C. § 26 in common with other states and not separately under Indiana state law.

	<ul style="list-style-type: none"> <li>- Injunctive relief (Parens Patriae);</li> <li>- Civil penalties (Sovereign, Parens Patriae);</li> <li>- Costs and attorneys' fees.</li> </ul> <p>DTPA:</p> <ul style="list-style-type: none"> <li>- Injunctive relief (Parens Patriae);</li> <li>- Civil penalties (Sovereign, Parens Patriae);</li> <li>- Costs and attorneys' fees</li> </ul>
Louisiana	<p>Antitrust:</p> <ul style="list-style-type: none"> <li>- Injunctive relief (Parens Patriae);</li> <li>- Civil Fines</li> <li>- Attorney's fees and costs</li> </ul> <p>DTPA:</p> <ul style="list-style-type: none"> <li>- Injunctive relief (Parens Patriae);</li> <li>- Civil penalties (Sovereign, Parens Patriae),</li> <li>- Attorney's fees and costs (Parens Patriae).</li> </ul>
Mississippi	<p>Antitrust:</p> <ul style="list-style-type: none"> <li>- Injunctive relief (Parens Patriae);</li> <li>- Civil Fines (Sovereign, Parens Patriae)</li> <li>- Attorney's fees and costs (Parens Patriae).</li> </ul> <p>DTPA:</p> <ul style="list-style-type: none"> <li>- Injunctive relief (Parens Patriae);</li> <li>- Civil penalties (Sovereign, Parens Patriae),</li> <li>- Attorney's fees and costs (Parens Patriae).</li> </ul>
Mississippi	<p>Antitrust:</p> <ul style="list-style-type: none"> <li>- Injunctive relief (Parens Patriae);</li> <li>- Civil Fines (Sovereign, Parens Patriae)</li> <li>- Attorney's fees and costs (Parens Patriae).</li> </ul> <p>DTPA:</p> <ul style="list-style-type: none"> <li>- Injunctive relief (Parens Patriae);</li> <li>- Civil penalties (Sovereign, Parens Patriae),</li> <li>- Attorney's fees and costs (Parens Patriae).</li> </ul>
Missouri	<p>Antitrust:</p> <ul style="list-style-type: none"> <li>- Injunctive relief (Parens Patriae);</li> </ul> <p>DTPA:</p> <ul style="list-style-type: none"> <li>- Injunctive relief (Parens Patriae);</li> <li>- Civil penalties and other equitable remedies (Statutory, Parens Patriae).</li> <li>- Attorney's fees and costs for prosecuting the suit</li> </ul>
Montana	<p>Antitrust:</p> <ul style="list-style-type: none"> <li>- Injunctive relief (Parens Patriae);</li> <li>- Structural relief (Parens Patriae);</li> <li>- Civil penalties (Sovereign, Parens Patriae);</li> <li>- Attorneys' fees and costs</li> </ul> <p>DTPA:</p>

	<ul style="list-style-type: none"> <li>- Civil penalties (Sovereign, Parens Patriae);</li> <li>- Injunctive relief (Parens Patriae);</li> <li>- Attorneys' fees and costs</li> </ul>
Nevada	<p>Antitrust:</p> <ul style="list-style-type: none"> <li>- Injunctive relief (Parens Patriae);</li> <li>- Civil penalties (Sovereign, Parens Patriae)</li> <li>- Attorneys' fees and costs</li> </ul> <p>DTPA:</p> <ul style="list-style-type: none"> <li>- Injunctive relief (Parens Patriae);</li> <li>- Civil penalties (Sovereign, Parens Patriae);</li> <li>- Attorneys' fees and costs</li> </ul>
North Dakota	<p>Antitrust:</p> <ul style="list-style-type: none"> <li>- Injunctive relief (Parens Patriae);</li> <li>- Civil penalties (Sovereign, Parens Patriae);</li> <li>- Attorneys' fees.</li> </ul> <p>DTPA:</p> <ul style="list-style-type: none"> <li>- Injunctive relief (Parens Patriae);</li> <li>- Civil penalties (Sovereign, Parens Patriae);</li> <li>- Attorneys' fees</li> </ul>
Puerto Rico	<p>Antitrust:</p> <ul style="list-style-type: none"> <li>- Injunctive relief (Parens Patriae);</li> <li>- Attorney's fees and costs.</li> <li>- Civil penalties (Sovereign, Parens Patriae);</li> <li>- Attorney's fees and costs.</li> </ul> <p>DTPA:</p> <ul style="list-style-type: none"> <li>- Injunctive and other equitable relief (Parens Patriae);</li> <li>- Civil penalties (Sovereign, Parens Patriae);</li> <li>- Attorney's fees and costs.</li> </ul>
South Carolina	<p>Antitrust:</p> <ul style="list-style-type: none"> <li>- Injunctive relief (Parens Patriae);</li> <li>- Civil penalties (Sovereign, Parens Patriae);</li> <li>- Costs and attorneys' fees</li> </ul> <p>DTPA:</p> <ul style="list-style-type: none"> <li>- Injunctive relief (Parens Patriae);</li> <li>- Civil penalties (Sovereign, Parens Patriae);</li> <li>- Costs and attorneys' fees</li> </ul>
South Dakota	<p>Antitrust:</p> <ul style="list-style-type: none"> <li>- Injunctive relief (Parens Patriae);</li> <li>- Civil penalties and fines (Sovereign, Parens Patriae);</li> <li>- Attorney's fees and costs.</li> </ul> <p>DTPA:</p> <ul style="list-style-type: none"> <li>- Civil penalties (Sovereign, Parens Patriae);</li> <li>- Attorneys' fees</li> </ul>
Texas	<p>Antitrust:</p>

	<ul style="list-style-type: none"> <li>- Injunctive relief (Parens Patriae);</li> <li>- Civil penalties (Sovereign, Parens Patriae),</li> <li>- Attorneys' fees and costs</li> </ul> <p>DTPA:</p> <ul style="list-style-type: none"> <li>- Injunctive relief (Parens Patriate);</li> <li>- Civil penalties (Sovereign, Parens Patriae);</li> <li>- Attorneys' fees and costs</li> </ul>
Utah	<p>Antitrust:</p> <ul style="list-style-type: none"> <li>- Civil penalties (Sovereign, Parens Patriae);</li> <li>- Injunctive relief (Parens Patriae);</li> <li>- Attorneys' fees and costs</li> </ul> <p>CSPA:</p> <ul style="list-style-type: none"> <li>- Injunctive relief (Parens Patriae);</li> <li>- Civil fines (Sovereign, Parens Patriae);</li> <li>- Attorneys' fees</li> </ul>

DATED: April 17, 2024

Respectfully submitted,

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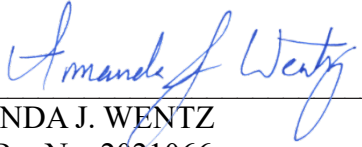
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**CERTIFICATE OF SERVICE**

I certify that on April 17, 2024, this document was filed electronically in compliance with Local Rule CV-5(a) and served on all counsel who have consented to electronic service, per Local Rule CV-5(a)(3)(A).

/s/ Mark Lanier  
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